

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF	)	
TIDEWATER UTILITIES, INC., FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO PROVIDE WATER SERVICES	)	PSC DOCKET NO. 09-CPCN-29
PURSUANT TO 26 DEL. C. §203C.	)	
("SUSSEX 61509")	)	
(FILED JULY 15, 2009)	)	

IN THE MATTER OF THE APPLICATION OF	)	
TIDEWATER UTILITIES, INC. TO ABANDON	)	
UNDER 26 DEL. C. §203A(d)	)	
WATER SERVICES PROVIDED UNDER A	)	PSC DOCKET NO. 17-0157
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY.	)	
(FILED MARCH 28, 2017)	)	

**ORDER NO. 9071**

**AND NOW**, this 20th day of June 2017, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on October 6, 2009, by way of Order No. 7668, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Tidewater Utilities, Inc. ("Tidewater") to provide water services for seven parcels of land in Sussex County identified as "Sussex 61509"; and

**WHEREAS**, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

**WHEREAS**, on March 28, 2017, Tidewater submitted an application (the "Application") requesting authorization to abandon or discontinue providing water operations or service for one parcel of land included in the CPCN, specifically Sussex County Tax Map Parcel Number 533-

18.00-47.01 (the "Parcel"); and

**WHEREAS**, Tidewater has not requested any change with respect to the other six parcels of land, and as such, these other six parcels remain included in Tidewater's existing water CPCN pursuant to Order No. 7668 and are not affected by this Order; and

**WHEREAS**, 26 Del. C. §203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

**WHEREAS**, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

**WHEREAS**, based on its review, Staff recommends that the Commission approve the Application because Staff believes Tidewater has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). First, the abandonment is reasonable because Tidewater has stated that it has not built any plant to supply water service to the Parcel. Second, it is necessary as the owner of the Parcel has consented to Tidewater removing the Parcel from its current water service territory. Tidewater noted that the Parcel is located within an area which Artesian Water Company, Inc. ("Artesian") can more readily serve. Artesian has informed Tidewater that it is willing to provide

water service to the Parcel. Lastly, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing Tidewater customers are located on the Parcel. Hence, Staff finds that the abandonment will not be unduly disruptive to the future public convenience and necessity because the owner of the Parcel and any future customers should be able to obtain water services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves Tidewater's Application.
2. Tidewater shall, consistent with our previous practices, provide to the landowner of the Parcel (specifically identified as Sussex County Tax Map Parcel Number 533-18.00-47.01) at least 30 days' prior written notice of Tidewater's abandonment of water services. Tidewater shall provide proof of such written notice to Commission Staff on or before August 15, 2017.
3. Except for the specific removal of the Parcel from the CPCN, Tidewater shall retain its CPCN as to all other parcels subject to Order No. 7668.
4. Tidewater is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 Del. C. §114(b) (1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary